THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION Nos.12021 & 8984 of 1997

Dated 26-02-2007

W.P.No.12021 of 1997
Between:
G.Surya Sankar Reddy.

..... PETITIONER

AND

The State of A.P. rep. By its Principal Secretary to Department of Agricultural & Co-operation, Secretariat Buildings & others.

.....RESPONDENTS

W.P.No.8984 of 1997
Between:
G.Surya Sankar Reddy.

..... PETITIONERS

AND

The Central Registrar of Cooperative Societies, Govt. of Indian, Ministry of Agriculture & Cooperation, Krish Bhavan, New Delhi & others.

....RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION Nos.12021 & 8984 of 1997

COMMON ORDER:

The petitioner, a Junior Field Officer in Indian Farmers Fertilisers Cooperation Limited (for short 'IFFCO'), has filed these two writ petitions. In W.P.No.12021 of 1997, he seeks a direction to respondents 1 to 3 to pay Rs.1,21,49,819.05 ps. to the fourth respondent and to direct the fourth respondent to reinstate him into service forthwith with all consequential benefits. W.P.No.8984 of 1997 is filed questioning the proceedings of the Central Registrar of Cooperative Societies, New Delhi, the enquiry initiated by the Registrar of Cooperative Societies, Hyderabad, the enquiry conducted by the Additional Registrar-III/Enquiry Officer, Hyderabad and the departmental enquiry conducted by the fourth respondent.

Sri V.Ajay Kumar, learned counsel for the petitioner, would submit that the enquiry proceedings initiated against the petitioner by the Registrar of Cooperative Societies under the A.P. Cooperative Societies Act, 1964 (for short 'the Act') was without jurisdiction since the petitioner, an employee in IFFCO, was governed by the provisions of the Multi State Cooperative Societies Act, 1984. Learned counsel would fairly concede that the petitioner has since been dismissed from service pursuant to the departmental enquiry held against him. Learned counsel would further state that pursuant to an enquiry under Section 51 of the Act, the Registrar of Cooperative Societies had directed that surcharge proceedings be initiated against several persons, and that this action of the Registrar of Cooperative Societies was also without jurisdiction. According to

the learned counsel, since proceedings are pending before the Central Registrar of Cooperative Societies, and it is only after he determines the liability of the persons involved in the transaction, would the question of the petitioner being held liable for misappropriation arise, and it would suffice if the petitioner is given liberty to question the final orders, if any, passed by the Central Registrar of Cooperative Societies, New Delhi and the Registrar of Cooperative Societies, Hyderabad. Learned counsel would seek to interpret the interim order of this Court as requiring the fourth respondent/IFFCO to produce a copy of the order of dismissal before this Court for appropriate orders to be passed thereupon. According to the learned counsel, in view of the interim orders passed by this Court, the petitioner was precluded from challenging the order of dismissal, passed by the fourth respondent, earlier.

The Writ Petitions are accordingly dismissed leaving it open to the petitioner, to avail such other remedies as are available to him, to question the action of respondents 1 to 4, in accordance with law. It is also made clear that this Court has not examined the question as to whether the petitioner is now entitled to challenge the order of dismissal passed by the fourth respondent and whether such a challenge would be belated. All these questions are left open for adjudication, in case, the petitioner questions the same in appropriate proceedings. No order as to costs.

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26-02-2007

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